

Most Reverend William Patrick Callahan
Legislative Testimony
October 21, 2009

Thank you, Representative Grigsby and your fellow committee members. I am William Patrick Callahan, Auxiliary Bishop of the Catholic Archdiocese of Milwaukee testifying in opposition to Assembly Bill 453 (and Senate Bill 319).

In January 2008, Milwaukee Archbishop Timothy Dolan appeared before legislative committees examining a similar bill and articulated opposition from the perspective of the Catholic Church. As Administrator of the Archdiocese of Milwaukee, I am here to represent the Church in a similar capacity.

May I be blunt? The sexual abuse of minors by clergy is abhorrent. It goes against everything the Church and the priesthood represent. I start my testimony with this acknowledgement of the failure of individuals and institutions, including clergy and churches, to protect children from sexual abuse.

Through my own experience in meeting with victims/survivors and their families, I know that no matter how many times our sorrow is expressed, the Church cannot apologize enough. So, today, let me begin by publicly apologizing for this horror, this sin, and this crime. I apologize in the name of the Church to victims/survivors and their families, as well as to the people of Wisconsin.

Yes, I come before you representing a Church that is ashamed; ashamed of its past handling of incidents of sexual abuse, ashamed of the actions of a small minority of diocesan priests who tragically acted contrary to everything the

Church stands for; and ashamed of some bishops of our Church who may have enabled their behavior.

But I also come before you this afternoon representing a Church that, with the help of its people, has risen to leadership on the issue of sexual abuse – not only sexual abuse within the Church, but within our society. We know that sexual abuse of minors is a societal issue, one that is, regrettably, present in families, in schools, in government agencies, in institutions, and, yes, in churches.

Yet I am reminded of the words of Doctor Paul McHugh, an internationally-respected psychiatrist and expert on child abuse at Johns Hopkins University, who said that no one organization is doing more to prevent child abuse , and help those who have survived it, than the Catholic Church. The Catholic Church is now a leader in how to prevent and respond to sexual abuse of minors. In the past, the Church was, at times, an example of what NOT to do; now, thankfully, we are looked to as a model of what TO do.

Let me explain. Since 2002, we have:

- Maintained an office for Sexual Abuse Prevention and Response Services, currently staffed by a full-time professional who has an excellent reputation within the community on this issue, and serves as an advocate for victims/survivors;
- Mandated safe environment programs that have trained more than 40,000 parish and school staff, and volunteers who work with youth -- training that helps people to recognize the signs of abuse and neglect, and educates people on how to report it;

- Publicly listed on the archdiocesan Web site all diocesan priests, deceased and alive, who have been removed from ministry because of a substantiated allegation of sexual abuse of a minor;
- Personally met with victims/survivors, and continue to offer to meet with any victim/survivor or family member who wants to meet with me;
- Established a Diocesan Review Board, led by former Lt. Governor Margaret Farrow, and staffed by experts in sexual abuse, who make sure we are keeping the promises we have made;
- Participated in six outside, independent, professional audits that have shown the archdiocese to be in full and complete compliance with standards established in the Charter for the Protection of Children and Young People adopted by the U.S. Bishops in 2002, and rigorously followed by all dioceses in the State of Wisconsin.
- Mandated criminal background checks on every priest, deacon and seminarian; every archdiocesan, parish or school employee; and every coach and volunteer who has regular interaction with children;
- Reported allegations of sexual abuse of a minor to the appropriate district attorney whenever the accused is still alive;
- Provided all documents of accused diocesan priests to the Milwaukee district attorney's office for review to determine if there are outstanding criminal cases;

- Cooperated with civil officials pursuing criminal investigations;
- Hosted and participated in public listening sessions, gathering together community leaders, civic officials, church leaders with victims/survivors as a stepping stone toward healing;
- Established a voluntary, independent mediation system that has resulted in resolution with nearly 180 victims/survivors, providing psychological, spiritual and financial assistance to victims/survivors.
- Along with the Jewish Conference and the Wisconsin Council of Churches, supported the law you enacted five years ago to add clergy to the list of “mandatory reporters” of child abuse;
- At the same time, supported a substantial extension of the statute of limitations on civil lawsuits involving sexual abuse.

Despite all of this, you will hear others tell you, some this very afternoon, that it is not enough, pointing to bad behavior of the past. And, as I acknowledge that there is always more that can and must be done, I must be candid in observing that by opening a window that nullifies the statute of limitations for cases of long ago, this bill goes radically too far.

I want to repeat again, victims/survivors of clergy sexual abuse of minors have received care and treatment, and have avenues for reaching resolution with the Church. Our sole motivation is one of healing, not harming or hurting. That resolution has come in a variety of ways, but most importantly by the one-to-one resolutions through an independent mediation system.

The Archdiocese of Milwaukee has voluntarily initiated this mediation system to reach resolution with victims/survivors, regardless of when their abuse occurred.

Although our care for victims dates back further, since 2002 the Church has pro-actively worked with victims survivors to reach resolution. We have mediated settlements through an independent mediation system, with more than 180 individuals. These settlements include not only a financial resolution, but also pastoral, spiritual, and emotional care for individuals and families.

This also includes ongoing therapeutic care. I can assure you, individuals benefit from support on a larger scale, both financially and through this additional care, than they would have if they would have experienced similar events in a public or government setting.

The overall financial impact of clergy sexual abuse on the archdiocese has been more than \$28 million dollars, including mediation, settlements, therapy, prevention programs and outreach.

Your concern may not be the financial status of the Catholic Church, but I can assure you that it is a major concern from the citizens of this state that benefit from the various outreach initiatives, social services, food programs, education and other aid and assistance that is provided, especially to those in need.

Since 2002, we have sold property, scaled back programs, reduced services to our people, laid off staff, delayed needed initiatives, borrowed money, and even put our headquarters and property, property the Church has owned for more than a 150 years, up for sale. There is no Catholic "Superfund" that can provide

the monies this legislation will require of the Church. The costs of this legislation would be borne through the loss of services to every parishioner of southeastern Wisconsin. We do not have the resources others may tell you are secretly hidden somewhere. Our financial operations are an open book.

Believe me, I tell you this not for your sympathy -- on this issue the Church neither asks nor deserves it -- but I tell you this because we are at the limit of our ability to pay massive tort settlements. As you know, the result of similar, unfortunate legislation in California, and corresponding settlements reached there in 2006, pushed the Archdiocese of Milwaukee to the brink of bankruptcy; enactment of this legislation again raises that possibility, which would clearly help no one, least of all, victims/survivors. We have just seen the ramifications of that this week in Delaware, where the diocese has filed for Chapter 11 protection in response to litigation resulting from similar window legislation.

I am neither a constitutional expert nor a legal scholar. But I can say that this bill, because it does not address the issues of *sovereign immunity* and *caps on damages* -- a protection provided to government and municipal entities such as public schools -- will invite greater litigation against churches and other non-profit groups than against public sector entities that may have made similar or even worse errors.

Plain and simple, a window is unjust. It will unfairly target churches, especially the Catholic Church, and non-profit agencies.

We have made tremendous progress in the past seven years. I want the progress we have verifiably made to continue. Yet, I fear for that progress if the radical law now under discussion takes force.

This drastic law penalizes today's innocent Catholics and others who had no part in what happened. It damages the Church's ability to be an active servant to those in need of schools, social services, shelters, soup kitchens, Catholic charities and counseling, and the other public goods our faith community carries out every day in collaboration with our neighbors, regardless of their religion, in Wisconsin.

It is for the sake of these good people - and for the good work they do - that I ask you not to approve this bill.

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